

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEE
FOR PERSONAL INJURY AND DEATH CLAIMS**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC	Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP
James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC

VIA ECF

December 10, 2019

The Honorable George B. Daniels
U.S. District Judge
United States District Court
Southern District of New York
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
U.S. Magistrate Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels and Magistrate Judge Netburn:

Pursuant to this Court's Order of December 6, 2019, Docket No. 5338, Plaintiffs have conferred and write to recommend the following names to serve as Special Master on the personal injury claims. For the Court's consideration, we have identified two qualified and available candidates.

1. Ellen Reisman

Ms. Reisman is an experienced and highly competent mediator and Special Master. We attach Ellen Reisman's resume of qualifications. (*See*, Ex. A). Counsel has confirmed Ms. Reisman is available to serve immediately and will be in New York City on Wednesday, December 11, 2019, should the Court wish to speak or meet with her.

2. Roger Frankel

Mr. Frankel is also an experienced, highly competent mediator; and we reached out to Mr. Frankel and he is available to serve. His time is somewhat more limited in the short term, but he will make himself available to the Court, and is available in January when the filings will be ripe. We attach a summary of his qualifications. (*See*, Ex. B).

We submit these names to the Court to consider appointment for purposes of adjudicating the motions for damages on the personal injury side.

The Honorable George B. Daniels and Magistrate Sarah Netburn

December 9, 2019

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Finally, last Friday, December 6, 2019, the Special Master of the Zadroga Act Victim Fund (or “Zadroga Fund”) announced a policy change that may significantly influence the numbers of personal injury claims we presented as anticipated claims in our letter to the Court of November 28, 2019. The Special Master of the Zadroga Fund announced it would formally post the regulations later this week. We expect these regulations to require personal injury claimants to elect between the U.S. Victims of State Sponsored Terrorism (or “USVSST”) and the Zadroga Act Victim Fund. We also expect participation in the USVSST Fund to preclude payment from the Zadroga Fund until after the USVSST Fund ends in 2030. The USVSST Fund will then offset any Zadroga Fund awards by the amount of the total USVSST Fund payments. This election will prevent a client who becomes sick to obtain immediate relief from the Zadroga Fund and will prevent a client who develops a subsequent illness to seek additional compensation from the Zadroga Fund.

We are still evaluating the impact of this announcement, but expect this development may decrease the numbers we presented on November 28, 2019.

Respectfully,

By: /s/ Jodi Westbrook Flowers
JODI WESTBROOK FLOWERS
ROBERT T. HAEFELE
For Burnett Plaintiffs

By: /s/ James P. Kreindler
JAMES P. KREINDLER
For Ashton Plaintiffs

By: /s/ Jerry S. Goldman
JERRY S. GOLDMAN
For O'Neill Plaintiffs

Attachments